

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In Re:

**Jesse Charles Lay**

Case No. 10-80953

Social Security No.: xxx-xx-2665

Address: 500 Guy Walker Way, Durham, NC 27703

Form 91C (rev. 12/20/09)

Debtor.

**DEBTOR'S CLAIM FOR PROPERTY EXEMPTIONS- AMENDED**

The undersigned Debtor hereby claims the following property as exempt pursuant to 11 U.S.C. Sections 522(b)(3)(A),(B), and (C), the North Carolina General Statutes, and non-bankruptcy federal law.

**1. RESIDENCE EXEMPTION: REAL OR PERSONAL PROPERTY USED AS A RESIDENCE OR BURIAL PLOT.**

Each debtor can retain an aggregate interest in such property, **not to exceed a total net value of \$35,000**. (N.C.G.S. § 1C-1601(a)(1) (NC Const. Article X, Section 2)(See \* below)

Description of Property & Address	Market Value	Mortgage Holder or Lien Holder	Amount of Mortgage or Lien	Net Value
House and Land 500 Guy Walker Road Durham, NC Debtor has 1/2 Interest	\$272,616.00	BOA	\$283,653.46	\$0.00

<b>TOTAL NET VALUE:</b>	\$0.00
<b>VALUE CLAIMED AS EXEMPT:</b>	\$30,000.00
<b>UNUSED AMOUNT OF EXEMPTION:</b>	\$5,000.00

**RESIDENCE EXEMPTION: REAL OR PERSONAL PROPERTY USED AS A RESIDENCE OR BURIAL PLOT.**

Exception to \$18,500 limit: An unmarried debtor who is 65 years of age or older is entitled to retain an aggregate interest in property **not to exceed \$60,000** in net value, so long as: (1) the property was previously owned by the debtor as a tenant by the entireties or as a joint tenant with rights of survivorship and (2) the former co-owner of the property is deceased, in which case the debtor must specify his/her age and the name of the former co-owner (if a child use initials only) of the property below. (N.C.G.S. § 1C-1601(a)(1) (NC Const. Article X, Section 2)(See \* below)

Description of Property & Address	Market Value	Mortgage Holder or Lien Holder	Amount of Mortgage or Lien	Net Value
N/A	<u>minus 6%</u>			

Debtor's Age:
Name of former co-owner:

<b>TOTAL NET VALUE:</b>	
<b>VALUE CLAIMED AS EXEMPT:</b>	
<b>UNUSED AMOUNT OF EXEMPTION:</b>	

\* Note to all interested parties: Notwithstanding the above, in the event that: (1) this concerns a Chapter 13 case filed within 12 months after the dismissal of a prior bankruptcy case, and (2) a creditor has, prior to the filing of this case, taken an "action" as that term is defined in In re: Paschal, 337 B.R. 27 (2006), the debtor(s) do not claim the property as exempt, in which case the above information is provided for the sole purpose of determining compliance as required by 11 U.S.C. 1325(a)(4).

2. **TENANCY BY THE ENTIRETY: All the net value** in the following property is claimed as exempt pursuant to 11 U.S.C. § 522(b)(3)(B) and the law of the State of North Carolina pertaining to property held as tenants by the entirety. (No limit on amount or number of items.)(See \* above which shall also apply with respect to this exemption.)

Description of Property & Address
1. House and Land, 500 Guy Walker Way, Durham, NC 27703
2. House and Land, 2508 Dakota Street, Durham, NC 27707

3. **MOTOR VEHICLE EXEMPTION:** Each debtor can claim an exemption in only one vehicle, not to exceed \$3,500.00 in net value. (N.C.G.S. § 1C-1601(a)(3))

Year, Make, Model, Style of Motor Vehicle	Market Value	Lien Holder	Amount of Lien	Net Value
2001 GMC Yukon	\$4,520.00	The Money Shoppe	\$4,421.30	\$98.70

<b>TOTAL NET VALUE:</b>	\$98.70
<b>VALUE CLAIMED AS EXEMPT:</b>	\$3,500.00

4. **TOOLS OF TRADE, IMPLEMENTS, OR PROFESSIONAL BOOKS:** (Each debtor can retain an aggregate interest, not to exceed \$2,000.00 in net value.) (N.C.G.S. § 1C-1601(a)(5))

Description	Market Value	Lien Holder	Amount of Lien	Net Value

<b>TOTAL NET VALUE:</b>	
<b>VALUE CLAIMED AS EXEMPT:</b>	

5. **PERSONAL PROPERTY USED FOR HOUSEHOLD OR PERSONAL PURPOSES:** Each debtor can retain a total aggregate interest, not to exceed \$5,000.00 in net value, plus \$1000.00 in net value for each dependent of the debtor (not to exceed \$4,000 total for dependents.) (N.C.G.S. § 1C-1601(a)(4) & NC Const., Article X, Section 1)

The number of dependents for exemption purposes is: \_\_\_\_\_ 1 \_\_\_\_\_

Description of Property	Market Value	Lien Holder	Amount of Lien	Net Value
Clothing & Personal				\$100.00
Kitchen Appliances				\$250.00
Stove				\$100.00
Refrigerator				\$150.00
Freezer				\$0.00
Washing Machine				\$100.00
Dryer				\$100.00

China				\$100.00
Silver				\$50.00
Jewelry				\$200.00
Living Room Furniture				\$200.00
Den Furniture				\$200.00
Bedroom Furniture				\$200.00
Dining Room Furniture				\$200.00
Lawn Furniture				\$75.00
Television				\$200.00
( ) Stereo ( ) Radio				\$0.00
( ) VCR ( ) Video Camera				\$0.00
Musical Instruments				\$0.00
( ) Piano ( ) Organ				\$0.00
Air Conditioner				\$0.00
Paintings or Art				\$0.00
Lawn Mower				\$100.00
Yard Tools				\$50.00
Crops				\$0.00
Recreational Equipment				\$0.00
Computer Equipment				\$50.00

<b>TOTAL NET VALUE:</b>	\$2,425.00
<b>VALUE CLAIMED AS EXEMPT:</b>	\$5,000.00

6. **LIFE INSURANCE:** There is no limit on amount or number of policies. (N.C.G.S. § 1C-1601(a)(6) & NC Const., Article X, Sect. 5)

Description & Company	Insured	Last 4 Digits of Policy Number	Beneficiary (If child, use initials only)

7. **PROFESSIONALLY PRESCRIBED HEALTH AIDS:** Debtor or Debtor's Dependents. (No limit on value.) (N.C.G.S. § 1C-1601(a)(7))

Description

8. **COMPENSATION FOR PERSONAL INJURY, INCLUDING COMPENSATION FROM PRIVATE DISABILITY POLICIES OR ANNUITIES, OR COMPENSATION FOR THE DEATH OF A PERSON UPON WHOM THE DEBTOR WAS DEPENDENT FOR SUPPORT.** There is no limit on this exemption. All such amounts are claimed as exempt. (The compensation is not exempt from related legal, health or funeral expenses.) (N.C.G.S. § 1C-1601(a)(8))

Description	Source of Compensation	Last 4 Digits of Any Account Number
Possible Consumer Rights Claim(s) Subject to Approval of Settlement/Award by Bankruptcy Court	Unknown	

9. **INDIVIDUAL RETIREMENT PLANS AS DEFINED IN THE INTERNAL REVENUE CODE AND ANY PLAN TREATED IN THE SAME MANNER AS AN INDIVIDUAL RETIREMENT PLAN UNDER THE INTERNAL REVENUE CODE.** (N.C.G.S. § 1C-1601(a)(9)) (No limit on number or amount.). Debtor claims an exemption in all such plans, plus all other **RETIREMENT FUNDS** as defined in 11 U.S.C. Section 522(b)(3)(c).

10. **COLLEGE SAVINGS PLANS QUALIFIED UNDER SECTION 529 OF THE INTERNAL REVENUE CODE.** Total net value not to exceed \$25,000. If funds were placed in a college savings plan within the 12 months prior to filing, such contributions must have been made in the ordinary course of the debtor's financial affairs and must have been consistent with the debtor's past pattern of contributions. The exemption applies to funds for a child of the debtor that will actually be used for the child's college or university expenses. (N.C.G.S. § 1C-1601(a)(10))

College Savings Plan	Last 4 Digits of Account Number	Initials of Child Beneficiary	Value

VALUE CLAIMED AS EXEMPT:

11. **RETIREMENT BENEFITS UNDER THE RETIREMENT PLANS OF OTHER STATES AND GOVERNMENT UNITS OF OTHER STATES.** (The debtor's interest is exempt only to the extent that these benefits are exempt under the law of the State or governmental unit under which the benefit plan is established.) (N.C.G.S. § 1C-1601(a)(11))

Name of Retirement Plan	State or Governmental Unit	Last 4 Digits of Identifying Number	Value

VALUE CLAIMED AS EXEMPT:

12. **ALIMONY, SUPPORT, SEPARATE MAINTENANCE, AND CHILD SUPPORT PAYMENTS OR FUNDS THAT HAVE BEEN RECEIVED OR TO WHICH THE DEBTOR IS ENTITLED** (The debtor's interest is exempt to the extent the payments or funds are reasonably necessary for the support of the debtor or any dependent of the debtor.) (N.C.G.S. § 1C-1601(a)(12))

Type of Support	Location of Funds	Amount

VALUE CLAIMED AS EXEMPT:

13. **WILDCARD EXEMPTION:** Each debtor can retain a total aggregate interest in any other property, not to exceed a net value of \$5,000.00, or the unused portion of the debtor's residence exemption, whichever is less. (N.C.G.S. § 1C-1601(a)(2))

Description of the Property	Market Value	Lien Holder	Amount of Lien	Net Value
Any property owned by the debtor(s), not otherwise claimed as exempt.				\$5,000.00

House and Land 2508 Dakota Street Durham, NC 27707 Debtor has 1/2 Interest	\$130,921.00	Citimortgage	\$138,403.00	\$0.00
---	--------------	--------------	--------------	--------

<b>TOTAL NET VALUE:</b>	<b>\$5,000.00</b>
<b>VALUE CLAIMED AS EXEMPT:</b>	<b>\$5,000.00</b>

**14. OTHER EXEMPTIONS CLAIMED UNDER THE LAWS OF THE STATE OF NORTH CAROLINA:**

	Amount
Aid to the Aged, Disabled and Families with Dependent Children N.C.G.S. § 108A-36	
Aid to the Blind N.C.G.S. § 111-18	
Yearly Allowance of Surviving Spouse N.C.G.S. § 30-15	
North Carolina Local Government Employees Retirement Benefits N.C.G.S. § 128-31	
North Carolina Teachers and State Employee Retirement Benefits N.C.G.S. § 135-9	
Fireman's and Rescue Workers' Pensions N.C.G.S. § 58-86-90	
Workers Compensation Benefits N.C.G.S. § 97-21 _____	
Unemployment benefits, so long as not commingled and except for debts for necessities purchased while unemployed N.C.G.S. § 96-17__	
Group Insurance Proceeds N.C.G.S. § 58-58-165	
Partnership Property, except on a claim against the partnership N.C.G.S. § 59-55	
<b>Wages of Debtor</b> necessary for the support of family N.C.G.S. § 1-362	

<b>VALUE CLAIMED AS EXEMPT:</b>	<b>\$0.00</b>
---------------------------------	---------------

**15. EXEMPTIONS CLAIMED UNDER NON-BANKRUPTCY FEDERAL LAW:**

	Amount
Foreign Service Retirement and Disability Payments 22 U.S.C. § 4060	
Social Security Benefits 42 U.S.C. § 407	
Injury or death compensation payments from war risk hazards 42 U.S.C. § 1717	
Wages of Fishermen, Seamen and Apprentices, 46 U.S.C. § 11108 & 11109	
Civil Service Retirement Benefits 5 U.S.C. § 8346	
Longshoremen and Harbor Workers Compensation Act death and disability benefits 33 U.S.C. § 916	
Railroad Retirement Act annuities and pensions 45 U.S.C. § 231m	
Veteran benefits 38 U.S.C. § 5301 _____	
Special pension paid to winners of Congressional Medal of Honor 38 U.S.C. § 1562	

<b>VALUE CLAIMED AS EXEMPT:</b>	<b>\$0.00</b>
---------------------------------	---------------

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY**

I, the undersigned Debtor, declares under penalty of perjury that I have read the foregoing document, consisting of 14 paragraphs on consecutive pages, and that they are true and correct to the best of my knowledge, information and belief.

Dated: June 7, 2010

s/ Jesse Charles Lay  
\_\_\_\_\_  
Jesse Charles Lay